IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Michael J. Wookey, Trevor Watson, Jean Chouanard		
Assignee:	Sun Microsystems, Inc.		
Title:	Remote Services System Message System to Support Redundancy of Data Flow		
Serial No.:	10/067,074	Filing Date:	May 10, 2002
Examiner:	David R. Lazaro	Group Art Unit:	2155
Docket No.:	P7225	Customer No.:	33438

Austin, Texas
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PRE-APPEAL BRIEF REQUEST FOR REVIEW AND STATEMENT OF REASONS

Sir:

Applicant requests review of the Final Rejection in the above-identified application. No amendments are being filed with the request. This request is being filed with a Notice of Appeal. The following sets forth a succinct, concise, and focused set of arguments for which the review is being requested.

CLAIM STATUS

Claims 1, 2, 5, 8, 9 and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,687,735 issued to Logston et al. (Logston). Claims 3, 4, 6, 7, 10, 11, 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Logston in view of U.S. Patent No. 6,098,093 issued to Bayeh et al. (Bayeh).

REMARKS

The present invention, as set forth by independent claim 1, relates to a method of delivering a message from a customer to a remote services system which includes assigning a message a unique identifier, transmitting the message and the unique identifier from the customer to the remote services system, saving a copy of the message with the customer until

acknowledgement of receipt of the message is received by the customer, acknowledging receipt of the message from the remote services system to the customer using the unique identifier when the message is received, discarding the copy of the message when receipt of the message is acknowledged, and retransmitting the message when the receipt of the message is not acknowledged.

The present invention, as set forth by independent claim 8, relates to a system for delivering a message from a customer to a remote services system which includes means for assigning a message a unique identifier, means for transmitting the message and the unique identifier from the customer to the remote services system, means for saving a copy of the message with the customer until acknowledgement of receipt of the message is received by the customer, means for acknowledging receipt of the message from the remote services system to the customer using the unique identifier when the message is received, means for discarding the copy of the message when receipt of the message is acknowledged, and, means for retransmitting the message when the receipt of the message is not acknowledged.

Logston relates to balancing and dynamically distributing various components of a distributed application within a client server environment. In one aspect, Logston discloses a method of balancing the load of distributed application client portions (DACPs) across various server portions (DASPs) and server machines. Statistics are maintained by one or more software processes with respect to the available resources of the servers and their loading; new process threads and/or distributed application server portions are allocated across the servers to maintain optimal system performance as client device loading increases or changes.

Bayeh discloses maintaining session information among multiple clustered computers (i.e., a server farm) for servlets and providing those servlets with various session services. The session services are implemented using a plug-in servlet engine. The session information is maintained without using a persistent data store, to avoid performance penalties associated with storing information in persistent storage such as a database.

When responding to Applicants' arguments, the examiner set forth:

> Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claim define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. In general, Applicants' remarks (pages 8 - 12) essential state applicants'

> overall interpretation of the Logston and Bayeh references and then conclusive statements are made as to the deficiencies of these references. However, applicants provide no factual evidence or reasoning as to how the language of the claims are distinguished from the references, particularly the cited portions of the references relied upon in the rejections of the claims or any supposed errors made by the examiner (37 CFR 1.111 also states a reply should distinctly and specifically points out the supposed errors in the examiner's action). As such, applicants' arguments are not persuasive.
>
> Furthermore, in regards to Logston not disclosing "a remote services system", it is clear that the system of Logston is related to remote services. Col. 1, lines 15-25, describes the relationship of client-server technology including multiple components "which are distributed across one or more devices of the network". Col. 6, lines 44-53, gives examples of services such as e-commerce and brokerage transactions.
>
> The remaining limitations of which applicants have alleged Logston and Bayeh are deficient, are explicitly acknowledged through the grounds of rejection presented in this office action and in part the previous office action (07/25/2005). (Final office action dated December 16, 2005, pages 10, 11.)

Applicants respectfully submit that the arguments specifically point out how the language of the claims patentably distinguished over the cited references. However, in an effort to expedite prosecution, Applicants will provide further specificity regarding the distinctions between the claimed invention and the cited art. Specifically, the portion of Longston to which the examiner refers for the contention that Longston discloses a "remote services system" sets forth:

> Client-server network architectures are well known in the data networking arts. Often, there is a need to divide the software associated with such client-server systems into multiple components which are distributed across one or more devices of the network. A Distributed Application (DA) is a computer program that is broken into such multiple components. (Longston Col. 1, lines 15 – 25.)

This cited portion of Logston discloses client server network architectures, not a remote services system as claimed.

Additionally, Logston does not disclose or suggest delivering a message from a customer to a remote services system which includes transmitting a message and a unique identifier from a customer to the remote services system, acknowledging receipt of the message from the remote services system to the customer using the unique identifier; or retransmitting the message when the receipt of the message is not acknowledged, as substantially required by claims 1 and 8. These deficiencies of Logston are not compensated by Bayeh.

Accordingly, Logston and Bayeh, taken alone or in combination, do not teach or suggest a method of delivering a message from a customer to *a remote services system* which includes assigning a message a unique identifier, transmitting the message and the unique identifier from the customer *to the remote services system*, saving a copy of the message with the customer until acknowledgement of receipt of the message is received by the customer, acknowledging receipt of the message from *the remote services system* to the customer using the unique identifier when the message is received, discarding the copy of the message when receipt of the message is acknowledged, and retransmitting the message when the receipt of the message is not acknowledged, all as required by claim 1. Accordingly, claim 1 is allowable over Logston and Bayeh. Claims 2 - 7 depend from claim 1 and are allowable for at least this reason.

Logston and Bayeh, taken alone or in combination, do not teach or suggest a system for delivering a message from a customer to *a remote services system* which includes means for assigning a message a unique identifier, means for transmitting the message and the unique identifier from the customer *to the remote services system*, means for saving a copy of the message with the customer until acknowledgement of receipt of the message is received by the customer, means for acknowledging receipt of the message from *the remote services system* to the customer using the unique identifier when the message is received, means for discarding the copy of the message when receipt of the message is acknowledged, and, means for retransmitting the message when the receipt of the message is not acknowledged, all as required by claim 8. Accordingly, claim 8 is allowable over Logston and Bayeh. Claims 9 - 14 depend from claim 8 and are allowable for at least this reason.

Additionally, Logston and Bayeh, taken alone or in combination do not teach or suggest a *remote services system* which includes *an intermediate mid level manager farm* having a plurality of *intermediate mid level managers*; the transmitting the message is via *a first intermediate mid level manager* of the plurality of mid level managers within the intermediate mid level manager farm; and, the retransmitting the message is via *a different intermediate mid level manager* of the plurality of intermediate mid level managers within the intermediate mid level manager farm, all as required by claim 2.

Additionally, Logston and Bayeh, taken alone or in combination do not teach or suggest the method of claim 1 wherein the remote services system includes an applications mid level manager farm having a plurality of applications mid level managers, and *the transmitting the*

message is via a first applications mid level manager of the plurality of mid level managers within the intermediate mid level manager farm, and the retransmitting the message is via a different applications mid level manager of the plurality of mid level managers within the applications mid level manager farm, all as required by claim 5. Accordingly, claim 5 is allowable over Logston and Bayeh.

Additionally, Logston and Bayeh, taken alone or in combination, do not teach or suggest the system of claim 8 further including an intermediate mid level manager farm having a plurality of intermediate mid level managers, wherein *the transmitting the message is via a first intermediate mid level manager of the plurality of mid level managers within the intermediate mid level manager farm* and the retransmitting the message is via a different intermediate mid level manager of the plurality of intermediate mid level managers within the intermediate mid level manager farm, all as required by claim 9. Accordingly, claim 9 is allowable over Logston and Bayeh.

Additionally, Logston and Bayeh, taken alone or in combination, do not teach or suggest the system of claim 8 further including an applications mid level manager farm having a plurality of applications mid level managers, wherein *the transmitting the message is via a first applications mid level manager of the plurality of mid level managers within the intermediate mid level manager farm* and the retransmitting the message is via a different applications mid level manager of the plurality of mid level managers within the applications mid level manager farm, all as required by claim 12. Accordingly, claim 12 is allowable over Logston and Bayeh.

In view of the arguments set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, please telephone the undersigned.

I hereby certify that this correspondence is being is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, COMMISSIONER FOR PATENTS, PO Box 1450, Alexandria, VA 22313-1450, on March 14, 2006.

Attorney for Applicant(s) — Date of Signature: 3/14/06

Respectfully submitted,

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